




Fw: Milwaukee Journal-Sentinel: Mining firm drops out after Wisconsin bill rejected

Mary.Manydeeds, Scott.Doig, Thomas L
Daniel Cozza to: Weaver, Perry M Jones, fafitzpa, James R 03/07/2012 11:28 AM
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Sender	Date	Subject
 Daniel Cozza	03/07/2012 11:28 AM	➔ Fw: Milwaukee Journal-Sentinel: Mining f

----- Forwarded by Daniel Cozza/R5/USEPA/US on 03/07/2012 11:27 AM -----

From: Elissa Speizman/R5/USEPA/US
To:
Date: 03/07/2012 10:58 AM
Subject: Milwaukee Journal-Sentinel: Mining firm drops out after Wisconsin bill rejected



Mining firm drops out after Wisconsin bill rejected

By Patrick Marley and Lee Bergquist of the Journal Sentinel

March 6, 2012

Madison - The state Senate rejected mining legislation on Tuesday, prompting a prominent mining company to say it was abandoning a project after months of often bitter debate that pitted conflicting claims of economic development against environmental protection.

"Senate rejection of the mining reforms . . . sends a clear message that Wisconsin will not welcome iron mining. We get the message," said a statement from Bill Williams, president of Gogebic Taconite LLC. "(We are) ending plans to invest in a Wisconsin mine."

Top Republican leaders said they considered the measure dead. At stake were an estimated 600 to 700 jobs at a large open pit mine in northern Wisconsin.

Bob Seitz, a lobbyist representing Gogebic, said: "This isn't an attempt to negotiate anything because that's done."

He said that the company made numerous concessions, and wasn't willing to go any further.

"We let something slip away," said Assembly Speaker Jeff Fitzgerald (R-Horicon).

His comments came shortly after Sen. Dale Schultz (R-Richland Center) voted with all Democrats to reject the bill, 17-16.

Schultz has consistently opposed drafts of the mining bill written by his fellow Republicans, yet leaders continued to seek support from him and a handful of Democrats.

Leaders have the ability to revive the bill this week or next if they can find one more vote. But Senate Majority Leader Scott Fitzgerald (R-Juneau) made clear just how tough it would be to approve a bill before the session ends March 15.

"This elusive seventeenth vote now is going to become more and more difficult to find," he said.

If no mining bill passes before the end of the regular session, Gov. Scott Walker might call a special session on mining, said Walker spokesman Cullen Werwie.

But Scott Fitzgerald said it would be hard to secure votes at that stage because recall campaigns against him and three other Senate Republicans will be gearing up. That could further politicize an already contentious issue, he said.

Schultz and Sen. Bob Jauch (D-Poplar) have their own version of the bill, but Scott Fitzgerald said he did not believe it could get through the Assembly.

"The Assembly is not going to move that far," Fitzgerald said, adding that Republicans in that house believe they have already given up much.

Jauch, whose district includes the proposed mine site in Ashland and Iron counties, said lawmakers needed to find a way to regulate mining so it could bring in jobs while protecting environmentally sensitive areas.

"You cannot have responsible mining if you have irresponsible mining legislation," he said.

Vote applauded

Environmental groups greeted the vote enthusiastically.

"Today's vote is a victory for Wisconsin families and clean drinking water," said Anne Sayers, program director for the Wisconsin League of Conservation Voters. "This bill was filled with some of the worst conservation rollbacks in recent memory."

But James Buchen of Wisconsin Manufacturers & Commerce, the state's largest business lobby, expressed disappointment and saw little chance the bill could be revived in the current climate.

"It's a missed opportunity for the folks in northern Wisconsin to have an economically secure future," he said.

Mining has received little attention in recent years - there is no large metallic or iron ore mine in operation in Wisconsin today.

But that changed after Gogebic Taconite proposed constructing a \$1.5 billion iron ore mine that would employ 600 to 700 workers.

The company is headquartered in Hurley and owned by a Florida-based company that has extensive holdings of coal in Illinois and Appalachia.

Gogebic put its plan on hold during the middle of last year after concluding Wisconsin needed to make changes in the way iron ore mines are regulated.

Gogebic president Williams said before the vote he wanted changes in the law so his company and others could have a set time frame for knowing whether they could get the necessary permits. Otherwise, their efforts could be tied up for years without knowing whether they could proceed with mining, he said.

"What we're asking for is make a decision, be it yes or be it no," he said.

He said his firm has invested more than \$3 million in its efforts in Wisconsin. The company may look to start a mine in another state, he said.

A week ago, in an email, Williams said Gogebic did some mineral exploration in Michigan last summer and has discussed mining with officials in that state.

Kennan Wood, executive director of the Wisconsin Mining Association, said Gogebic needs changes in the law, or it will leave the state.

"They are not going to continue to invest in Wisconsin if we can't pass reasonable mining legislation that provides the guidelines necessary for them to move forward," Wood said.

While some mine supporters said they still hoped to reach a deal, other backers said that was not possible.

"Some continue to say they're willing to negotiate; they are not," said a statement from Rep.

Robin Vos (R-Rochester). "Some say they're for mining and jobs; they are not. Today's vote in the Senate proves it."

Republicans argued that iron ore mining is safer than other forms of metallic mines and could operate under a more flexible set of regulations.

That was the intent of both Republicans and many Democrats, but Republicans pushed harder to ease restrictions.

Mining has been a top goal of Walker and Republicans who have a majority in the Legislature. They see mining as central to a pro-economic development agenda.

Key areas of disagreement that have proved to be the mining bill's undoing include:

Exemptions for compliance from various regulations that govern groundwater, surface water and management of waste.

A quasi-judicial process known as a contested case hearing. An Assembly version eliminated the process entirely, and a measure pushed by Republicans included the hearings, but only after an environmental review was completed by the Department of Natural Resources. Democrats and environmentalists have argued that the current system gives the public its best opportunity to weigh in on a case and question expert testimony under oath.

Deadlines for the DNR to make a decision. All the options would provide more certainty than the current law's open-ended system. Democrats opposed an Assembly version of 360 days, which they said was too short. An alternative by Republicans leaders stretched out the period to potentially 630 days. That option, too, couldn't get support.

Jason Stein of the Journal Sentinel staff contributed to this report.

Find this article at:

<http://www.jsonline.com/news/statepolitics/senate-narrowly-rejects-mining-bill-du4fadu-141668193.html>




Fw: WDIO. MnDOT/FHWA EIS Scoping Doc (SD/DSDD) for US 53 (relocate due to mining) (MN) is out for public/agency review and comment.

Virginia Laszewski to: Kenneth Westlake, Michael Sedlacek 03/08/2012 04:17 PM

From: Virginia Laszewski/R5/USEPA/US

To: Kenneth Westlake/R5/USEPA/US@EPA, Michael Sedlacek/R5/USEPA/US@EPA

Sender	Date	Subject
 Virginia Laszewski	03/08/2012 04:17 PM	Fw: WDIO. MnDOT/FHWA EIS Scoping Doc (SD/DSDD) for US 53 (relocate due to mining) (MN) is out for public/agency review and comment.

FYI, below email.

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----- Forwarded by Virginia Laszewski/R5/USEPA/US on 03/08/2012 04:16 PM -----

From: Jeffrey Bratko/R5/USEPA/US
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Date: 03/08/2012 04:01 PM
Subject: Re: Fw: WDIO. MnDOT/FHWA EIS Scoping Doc (SD/DSDD) for US 53 (relocate due to mining) (MN) is out for public/agency review and comment.

No doubt the proposal to relocate US 53 due to mining is going to move forward but the analysis in the article below, concerning plans for a mine in Wisconsin, make me wonder if the mining planned for the site of the current US 53 will ever take place. If prices are dropping and capacity increasing dramatically in China you have to wonder if the mining in Minnesota will take place.

Biz Beat: Mining company pullout hardly a shocker

MIKE IVEY | The Capital Times | mivey@madison.com | [@BizBeatIvey](#) | Posted: Thursday, March 8, 2012 9:00 am

Anybody who follows the global markets for iron ore shouldn't be surprised by Gogebic Taconite's decision to suddenly abandon a controversial proposal to open a new mine in northern Wisconsin.

After peaking at nearly \$200 a ton in February 2011, ore prices have since plunged by more than 30 percent, with

analysts now predicting a world glut of iron ore by 2014 and beyond.

One reason is China, which has been ramping up production, accounting for more than 70 percent of projected capacity growth worldwide over the next two years. Another is the increasing use of recycled steel, which reduces the demand for new sources of iron ore to feed the steel mills.

These factors, insiders tell Biz Beat, likely had as much impact on GTAC's quick exit as any failure by the Wisconsin Legislature to streamline mining laws or efforts by environmentalists or Native American groups to block the project.

In fact, some critics maintain GTAC never intended to open a mine anytime soon. Rather, the company sensed an opportunity to get a quick permit from a state thirsting for new jobs and a governor desperate for any kind of positive press. Once a permit was obtained, it could be sold to another developer or held until market conditions improve.

"Gogebic Taconite's announcement that they are leaving Wisconsin confirms that the company was never interested in responsible mining," says Kerry Schumann, state director of the League of Conservation Voters.

The medium-grade ore body eyed by GTAC that stretches 22 miles across Ashland and Iron counties isn't a new discovery. U.S. Steel owned the deposit back in the 1960s and did extensive study before deciding to pursue its mining interests elsewhere in northern Minnesota.

The majority of the Penokee Iron Range is now owned by RGGGS Land and Minerals out of Houston and La Point Mining Co. of Minnesota. They have been looking to sell their holdings for years and found an interested party in the Florida-based Cline Group, one of the nation's largest private coal mining companies, which formed Gogebic Taconite in 2010 to pursue the \$1.5 billion Wisconsin project.

At first, GTAC hoped to get a new streamlined mining bill included in Gov. Scott Walker's 2011-2013 budget. The company commissioned a study showing the open pit iron mine would support 2,834 jobs in a 12-county region of northern Wisconsin and Michigan's Upper Peninsula, with a total economic impact of \$604 million a year.

But when the mining law changes were removed from the budget discussions, GTAC announced suddenly in June 2011 it was putting the project on hold and closed a small office it had opened in Hurley, the epicenter of Wisconsin's mining past.

At that point, a new mining bill almost took on a life of its own, with Republicans in the Legislature falling over themselves to pass anything related to jobs and Walker calling mining the centerpiece of his economic development efforts.

"We think it's a great jobs bill," Assembly Speaker Jeff Fitzgerald, R-Horicon, said at the time. "It's going to create a lot of good, high-paying jobs especially in that northern part of the state that has really been hurt with this economy."

But legislators failed to work out key differences over issues like allowing the filling of wetlands with mine waste or whether the Department of Natural Resources could even question an applicant's data.

"I support responsible mining," Sen. Robert Jauch, D-Poplar said this week. "But you can't have responsible mining if you have an irresponsible mining law."

David Ward of NorthStar Economics, who authored the economic impact study for GTAC, thinks the project still holds merit despite the slump in ore prices and the high cost to open a new mine.

"Mining companies aren't looking so much at short-term ore prices as they are at future opportunities," he says. "This mine was projected to operate over the next 35 or 40 years."

Of course, the real losers are the people of northern Wisconsin who were lured by promises of new jobs paying \$80,000 but ended up as pawns in a political chess game.

Dale Kupczyk, executive director of the Ashland Area Development Corp., estimates that 10 percent of northern residents back the mine no matter its environmental impact, 10 percent are against it no matter what, and the other 80 percent are supportive -- if it protects the quality of life in the region.

"There's no doubt we need the jobs but it's got to be done right," he said in a phone interview Wednesday.

If anything, Kupczyk says the region could use some improved infrastructure -- like a four-lane highway connecting Ashland with the rest of Wisconsin.

"That would do as much for our economic development as anything," he says.


File w/
bogus Taconite Mine



Wisconsin State Journal
James Grimes to: Kenneth Westlake

02/21/2012 02:37 PM

From: James Grimes/R5/USEPA/US
To: Kenneth Westlake/R5/USEPA/US@EPA

Sender	Date	Subject
 James Grimes	02/21/2012 02:37 PM	Wisconsin State Journal

Northern Wisconsin Chippewa tribes might use treaties to halt or slow proposed mine

Armed with its status as a sovereign nation and powerful treaties with the federal government, the Bad River Chippewa tribe has the legal muscle to do what Democratic opponents of an iron mine proposed for northern Wisconsin have so far been unable to do: halt or delay the project.

Those powers, say experts on Native American law, appear to have been both underestimated and misunderstood by proponents of the mine, including Republican legislators who have been criticized for failing to consult with tribal members as they work on a bill to streamline permitting for the mine.

"All of us are going to get an education in federal Indian law," said Larry Nesper, a UW-Madison scholar in Great Lakes Indian law and politics.

Nesper said Bad River and other Chippewa tribes have the power to challenge the proposed mine in federal court by invoking the federal treaties that protect their access to clean water and clean air.

Though they have not filed a legal challenge, tribal officials have consulted with the Bureau of Indian Affairs on whether the treaties may have already been violated by state legislators who didn't work with Bad River on the Assembly version of the bill.

After the Assembly approved that bill, Bad River Chairman Mike Wiggins, Jr. said the tribe would consider legal options to force the state to include the tribe in discussions related to the mine and possibly to stop construction of the mine itself if it is approved.

"We're here to appeal to reason," Wiggins told members of the Legislature's budget committee Friday. "But in order to protect ourselves we may have to look at some of these things."

The tribe has staunchly opposed the 4 ½-mile long open pit mine in the Penokee Range near its reservation. The mine would be built near the headwaters of the Bad River, which flows onto the reservation and nourishes the tribe's extensive rice beds.

Glenn Stoddard, a lawyer for the Bad River Chippewa, called the treaties a "trump card" in the fight against the mine.

"These treaties go back to pre-statehood," said Stoddard. "I think a lot of people in the

Legislature look at these reservations as lines on a map. They don't understand that the reservations are created by treaty and give the tribes rights that are different and apart from the rest of the state. They're not like counties or towns."

Yet, aside from listening to tribal comments at public hearings, Assembly Republicans did little to bring the Bad River Chippewa into discussions about the bill, critics said.

State Sen. Neal Kedzie, R-Elkhorn, pledged to consult more closely with the Bad River as chairman of a special committee working on a Senate version of the bill. He met with tribal officials last week. But Kedzie's work came to an abrupt halt Wednesday when Majority Leader Scott Fitzgerald, R-Juneau disbanded the panel and backed the Assembly version of the legislation.

The bill could go to a vote before the Senate this week.

State Rep. Robert Jauch, D-Poplar, who served on Kedzie's now-defunct Senate Select Committee on Mining Jobs, accused the Assembly Republicans of arrogance for failing to involve the tribe.

"They have shown no respect for the tribal position, authority, or the history," Jauch said.

Mary Williams, R-Medford, who chaired the Assembly committee that helped write and conduct hearings on the mine permit bill, said Bad River officials were invited to testify at hearings on the legislation. Some Republican legislators also spoke with tribal officials outside of the hearings, she said, although the tribe wasn't directly involved in authoring the legislation.

"I'd be willing to bet that lots of people would

have liked to have had seats at the table," Williams said. "It didn't happen. But that's in the past. I do understand how they feel."

Tom Maulson, tribal chairman for the Lac du Flambeau Chippewa, was deeply involved in the 1980s in the push to re-affirm off-reservation spearfishing and treaty rights. But he said the lessons of those difficult days — that the treaties are powerful, living documents — seem to have been lost.

"I just feel there is a total disregard for the tribal nations, for these sovereign nations," Maulson said. "We should be held at the same level as other nations."

How does that translate into legal powers that might be wielded by Bad River on the mine issue?

The tribes believe the protections in the treaties also extend to air and water quality, said Jim Zorn, executive administrator of the Great Lakes Indian Fish and Wildlife Commission.

Those protections, Zorn said, extend to all of the ceded territory — roughly the land in the northern third of the state on which tribes reserved the right to hunt, fish and gather. The mine would be built well within ceded territory in the Penoque Hills, meaning that if there is a chance it could damage air or water quality, it could be subject to legal challenges under the treaties.

"The tribes' view is, what good is the right to fish if you've destroyed the water?" Zorn said.

The tribes' legal standing is even more far reaching if a project outside the reservation is shown to have the potential to pollute water or air within the reservation boundaries, Stoddard said. Just as Wisconsin would be in violation

of federal laws if it polluted waters in an adjacent state, federal treaties and the tribe's status as a sovereign nation could be invoked in court if the state allows pollution from the mine to flow into reservation waters, Zorn said.

Because the Bad River tribe is sovereign, it can also set its own water quality standards. That right was upheld in the 1980s when Wisconsin challenged tougher water standards set by the Mole Lake tribe. Treaty protections played an important role when Mole Lake fought a mine near its reservation proposed by Exxon Minerals in the late 1980s. Exxon eventually withdrew its application for a mining permit.

Stoddard, Zorn and other experts also said the tribe may be able to legally challenge the mine permitting bill now working its way through the state Legislature. Zorn said the treaties give the federal government a trust responsibility when it comes to the tribes and that, under such an arrangement, the federal government is obligated to look out for the tribe's best interests.

At the very least, Zorn said, the tribe should have been consulted because of the connection to natural resource issues in the ceded territory. Because Wisconsin is responsible for enforcing such federal laws as the Clean Air and Clean Water Act, he added, the state is also bound by the trust arrangement.

"When decisions are made, the state cannot and should not do it alone," said Zorn. "Their authority is subject to the treaties."

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RON SEELY | Wisconsin State Journal |
Posted: Sunday, February 19, 2012 11:00 am

Treaty history

The Chippewa signed three major treaties in the 1800s with the United States government in which the tribe ceded land in about the northern third of Wisconsin but retained rights to hunt, fish, and gather wild rice and maple syrup on the land.

Those rights have been repeatedly upheld in court, including the landmark Voigt Decision in 1983 in which federal Judge James Doyle, Jr., affirmed the tribes' hunting and gathering rights off their reservations in the ceded territories.

Wisconsin challenged that decision, sparking violent confrontations on northern boat landings each spring in the late 1980s and early 1990s as tribal members, with the approval of the federal court, speared spawning walleye at northern boat landings. The protests turned ugly, and law enforcement officers from around the state were called out each spring to protect tribal members from anti-spearing crowds yelling racial epithets and resorting at times to violent acts such as shooting rocks with slingshots at tribal spearers.

Despite the protests and the state's court challenges, the treaties were again upheld. Today tribal members continue to spear walleye on lakes off their reservations in the spring, though under much quieter circumstances.

James G. Grimes

Assisting the Environmental Protection Agency under a Cooperative Agreement with the National Asian Pacific Center on Aging.

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Issue: Gogebic Taconite Mine – Ashland County/N. Wisconsin

Background/Status: The Gogebic Taconite Co. has proposed an open pit iron mine and processing operation in Iron and Ashland Counties in northwestern Wisconsin. The project would be built along the Penokee Mountain Range in the Bad River watershed, a tributary of Lake Superior, upstream of the Bad River Indian Reservation. The project is highly controversial, with strong opposition from environmental groups and the Bad River Band of Lake Superior Chippewa, and support from other citizens and business interests for economic reasons. The company has leased 22,000 acres of mineral rights and estimates the project will cost \$1.5 billion to develop. It also estimated the project will generate 3,000 construction jobs and 700 mining jobs, and mine a 22-mile long ore body containing 2 billion tons of iron ore.

The Gogebic mine will likely require a Clean Water Act Section 404 permit from the Army Corps of Engineers for the loss of wetlands and streams. The Corps will prepare an environmental impact statement that EPA must review. The project would also require mining and environmental permits from the Wisconsin Department of Natural Resources. Leaders of the Bad River Band of Lake Superior Chippewa have stated they will seek EPA authorization to set their own air quality standards. Tribal leaders admit this could be another tool to fight the mine, but the tribe has not yet submitted anything formal to EPA. The Bad River Band won approval from EPA last October for its inaugural set of water quality standards, which also may be controversial in connection with the proposed open pit mine. The Tribe's standards for the protection of human health are more protective than Wisconsin standards due to the Tribe's higher consumption of fish.

Messages:

- The proposed Gogebic Mine is expected to require a Clean Water Act permit and an Environmental Impact Statement.
- The water quality standards recently approved by EPA for the nearby Bad River Band are scientifically defensible, and consistent with statutory and regulatory requirements. The Tribe's water standards could play a role in the mine approval process because their standards are higher than Wisconsin standards due to the Band members' higher consumption of fish.

Contacts: Ben Giwojna, ARD, 312-886-0247, giwojna.benjamin@epa.gov; Kathleen Mayo, WD, 312-353-5592, mayo.kathleen@epa.gov; Ken Westlake, NEPA, 312-886-2910, westlake.kenneth@epa.gov

Related Issue: Gogebic Taconite Involved in Writing Mining Bill – Hurley/Northern Wisconsin

Background/Status: A *Milwaukee Journal Sentinel* newspaper article revealed the authors of a controversial mining bill under consideration in the Wisconsin Legislature. The newspaper also said representatives of Gogebic Taconite, the main beneficiary of the proposed bill, worked with various Republican lawmakers to draft the measure. The bill would require Wisconsin DNR to approve a mining permit in 360 days. DNR's current reviews take at least 2-1/2 years. The bill would also relax numerous environmental standards involving wetlands, ground water and rock disposal and would reduce the level of public participation in the review process. Gogebic Taconite has demanded changes in the state's mining laws if it is to move forward with plans for a \$1.5 billion open pit mine and processing plant in Iron and Ashland counties. Company officials had earlier denied they had any role in drafting the legislation. Lawmakers this month are holding public hearings on the bill. The *Journal Sentinel* editorialized the state needs the mine but not this bill and urged lawmakers to start over with a "responsible measure."


[GTAC Project Overview](#)
[Our Commitment to the Environment](#)
[Our Commitment to Our Neighbors](#)
[Economic Benefits of the GTAC Project](#)
[Mining for Information Connection \(MIC\)](#)
[Home](#)

About the GTAC Iron Ore Mining Project



Gogebic Taconite LLC (GTAC) is a development-stage iron ore mining company with over two billion tons of iron ore resources in Ashland and Iron Counties in Wisconsin. GTAC recently optioned the rights to the deposit and is currently working to assemble the required information to begin the permitting process.

The iron resources in the Gogebic Range are taconite, or iron particles in silicate rock. The iron mining that GTAC will perform uses water and magnets in the beneficiation process, for example, rather than the chemicals used by sulfide mines. To get to a salable product, GTAC would mine the raw ore, crush the ore, and remove the iron using magnets. The magnetic iron concentrate would then be made into taconite pellets which would be sold to domestic and international steelmakers. The iron products produced by GTAC would directly or indirectly displace imported iron products that are consumed in Wisconsin's vibrant foundry industry, the second largest in the nation.

Key Facts

Type of ore body: Iron Oxide

Estimated amount of ore: More than 2 billion tons

Location:

The ore body is a continuation of the Ironwood Iron Formation encountered in Michigan and continues west beyond the City of Mellen in Ashland County. The lease contains a 22-mile-long portion of the ore body. The First Phase of the project will be focusing on a 4 to 5 mile section located east of Mellen.

Life of the mine:

The first phase of mining operations is estimated at 35 years, but the ore body is large enough to sustain a considerably longer life.

Mining Process:

The beneficiation process to extract the iron from the ore is a mechanical process using water and magnets, not a chemical process like some other mines.

Permitting Information:

The mine cannot operate without the necessary permits. In order to obtain those permits, GTAC will have to demonstrate that it can meet a wide variety of stringent federal, state and local requirements and regulations that protect the environment and public health and safety.

Economic Information

Construction Economic Impact:

- 3,000+ estimated construction jobs
- \$2 Billion Total Economic Impact (2 Year Total)
- \$20.6 Million in State/Local Tax Revenue (2Year Total)

Annual Economic Impact

- 700 direct mining jobs with an annual average salary estimated at \$60,000 plus approximately \$20,000 in benefits
- 2,834 total jobs created
- \$604 million total annual economic benefit
- \$17.15 million total annual state and local tax revenue

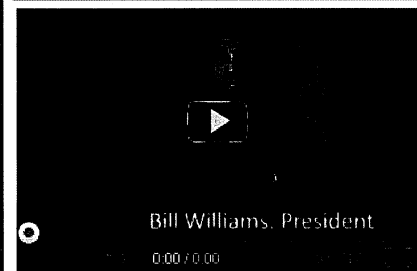
Products:

The operation will produce Taconite pellets used in steelmaking. Wisconsin's manufacturing industry will use the Taconite and resulting steel in products including autos, heavy construction equipment, ships, building construction, mining equipment, and household appliances, among many others.

Mining for Information Connection

MIC Focus On
Iron Mining & GTAC

Understanding the GTAC Iron Ore Deposit



Bill Williams, President of Gogebic Taconite, helps to clarify the fact that the GTAC deposit is an iron ore deposit, which is very different than a sulphide deposit.

Understanding the Characteristics that Make this Deposit Attractive



Matt Fifield, Managing Director of GTAC, describes the key characteristics of the iron ore deposit that make it of significance.

Leveraging the Minnesota & Michigan Iron Ore Mining Experience



There is a great deal of work that needs to go into GTAC's environmental permit, but 40+ years of iron ore mining in Minnesota and Michigan prove that this project can be done in an environmentally responsible fashion.

**NorthStar Economic Impact Study: Overall Results
of the Study**

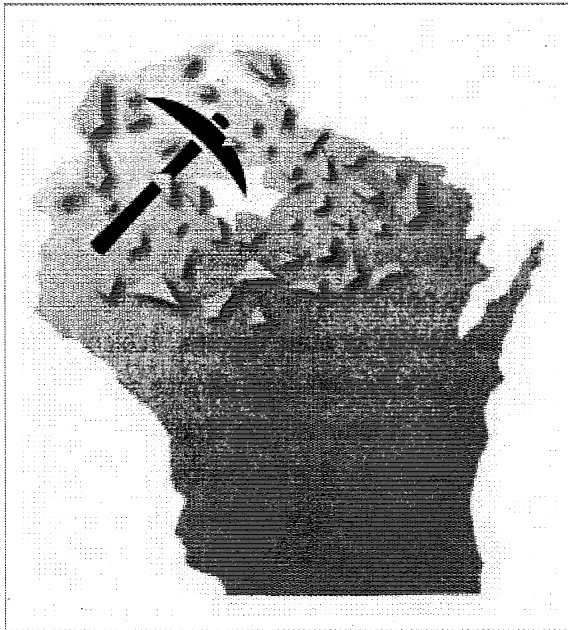
David Ward, President of NorthStar Economics, discusses the key findings of GTAC's recently released economic study.

[About GTAC](#)[Project News & Support](#)[About the Gogebic Iron Range](#)[Legal Disclaimer](#)

TAG ARCHIVES: GOGEBIC TACONITE

Hurley Mine Hearing: Our Thoughts

Posted on January 11, 2012 by samweis



Today the Assembly Jobs Committee is holding a hearing in Hurley, Wisconsin on the Iron Mining Bill which would roll back commonsense environmental protections, silence the voice of the public, and eliminate accountability for mining companies.

Luckily, you don't need to drive all the way to the Northwoods to make your voice heard. If you would like to tell your legislator to oppose this bill, you can in less than one minute through our action network!

We're very fortunate to have Clean Wisconsin Board Member, Shari Eggleston, at the hearing today to testify before the committee on our behalf. We thought we'd share her testimony with you, which you'll find below!

**Testimony by Shari Eggleston
on behalf of**

Clean Wisconsin (Board Member) and the Sierra Club (Member)

AB 426

Assembly Committee on Jobs, Economy and Small Business

Hurley Inn

January 11, 2012

I am a resident of Washburn, Wisconsin, and am here today on behalf of two of the State's most respected environmental organizations—Clean Wisconsin and the Sierra Club. I am currently on the Board of Clean Wisconsin, which is a non-profit environmental advocacy group focused on clean water

clean air and clean energy issues. Clean Wisconsin was founded forty one years ago as Wisconsin's Environmental Decade and has thousands of members around the state.

I have been a member of the Sierra Club for more than 30 years, and was, at one time, the chair of the Club's Wisconsin (John Muir) chapter, which today has 15,000 members and supporters. Both the Sierra Club and Clean Wisconsin have a long history of carefully tracking mining developments in Wisconsin, as mining operations produce huge amounts of waste that must be safely managed forever and have the potential to permanently destroy and pollute natural resources.

Let me start by thanking the Committee for holding a public hearing on this bill in the region most affected by it. We are concerned about the potential for AB 426 to pave the way for irresponsible mining in one of the most beautiful and sensitive areas of our state, home to the 700,000 acre Bad River Watershed and the Penokee Range, whose surface and groundwater supply drinking water for a number of local communities. The area supports dozens of plants and animals designated as threatened, endangered or of special concern. Its natural beauty is cherished by residents and visitors alike. For these reasons, any changes to mining safeguards must be done with extreme care.

We are opposed to AB 426 because it diminishes public participation and local control, it allows for the destruction of high-quality wetlands, and it curtails the ability of regulatory agencies to evaluate permit applications thoroughly and scientifically. It establishes an arbitrary permit approval timeline which, with other proposed changes, makes the DNR little more than a rubber stamp for state permits. It eliminates citizen suits and contested case hearings, which are part of almost all environmental permits and actually result in *better* permits, from the perspective of all concerned. It shortens the time period during which a mine operator is required to show proof of financial responsibility for the long-term care of the mining waste site, and relaxes permitting requirements for activities that impact navigable bodies of water and groundwater withdrawals—including provisions which appear to conflict with the Great Lakes Compact. It exempts iron mining activities from shoreland and floodplain zoning requirements. The environmentally destructive rollback aspects of this bill are listed in more detail on the last page of my written testimony, which I will submit for the Committee's consideration.

Current regulations require mining companies to follow the same environmental regulations as other industries. This bill crafts a special set of more relaxed rules that would apply only to iron mining, which would be exempt from other environmental laws applicable to all other industries. We submit that the immense scale and destruction of land, wetlands, streams, and groundwater that would result from GTAC's proposal should give the legislature reason to regulate it more stringently, not less than other industries.

According to the bill's proponents, iron mining is more benign than metallic mining, and state regulatory timelines are too long. In fact, modern open pit taconite mining may be far more harmful than other operations due to the vast amount of habitat lost to the open pit, permanent waste dumps and tailings

ponds required for extracting low grade iron ore. GTAC's proposal would, for instance, require an open pit at least 6 square miles long. Taconite processing plants are also major sources of air contaminants including mercury, acid rain and greenhouse gases. Finally, proponents have claimed that unlike high sulfide content ores such as at Flambeau and Crandon, taconite mining wastes will be chemically inert. Until waste characterization studies are done, there is no basis for this claim.

It has been suggested that Wisconsin model our iron mining regulations on those in Minnesota and Michigan. The problem with using these states as models is that their taconite mines are chronic polluters whose operations have resulted in fines, cleanup orders and stipulations totaling just under \$10 million in the last 8 years alone. Under current regulations, taconite mining wastes in Minnesota and Michigan are currently exceeding discharge limits for mercury, selenium, sulfates. Moreover, this bill goes farther to deregulate Wisconsin mining law than even Minnesota and Michigan. Both neighboring states continue to rely on a contested case hearing process, and both require taconite mining to be subject to the same environmental laws as other industry. This bill would eliminate both of these safeguards.

Wisconsin's current mining timeline works, as shown by the Jackson County Iron mine and the Flambeau mine which were permitted and operated under the current rules. Crandon's delays were caused entirely by numerous changes in company ownership and serious deficiencies in the application. As former DNR Secretary George Meyer has pointed out, the companies stalled that project on their own – it wasn't the regulators or the timeline itself causing delays.

The justification for this bill is based on misleading claims by the mining company and its supporters. It was almost certainly written by a single mining company seeking to remove regulatory hurdles and local controls in order to guarantee permits and cut costs. The bill represents extremely poor public policy that benefits one company at the expense of local residents and some of the most beautiful, fragile places in our state. For all of these reasons, Clean Wisconsin and the Sierra Club urge you to reject this bill. Thank you for considering our comments on this important matter.

-Post contributed by Sam Weis, Testimony by Shari Eggleston

Posted in **Mining** | Tagged **Clean Wisconsin, Gogebic Taconite, Hurley, Iron Mine, Jobs Committee, Lake Superior, Mine, Mine Hearing, Penokee, Shari Eggleston, Sierra Club, Wisconsin Assembly** | **Leave a reply**

Second Time, Same As the First...

Posted on **December 8, 2011** by **amandawegner**

There's a little ditty that goes "Second verse, same as the first..."

It's been stuck in my head since I first glanced at the new draft of the mining bill Assembly Republicans put out today. This draft is as bad as the first in terms of its implications for the environment and public input. Here's our initial take on it. Rest assured that our legal staff and government relations director are combing through the 180-page draft.



Photo: Bad River, Joshua Mayer/Flickr

Assembly Republicans' Mining Bill Bad for the Environment

**New draft much like the first, cutting environmental protections and slashing public input
December 8, 2011**

MADISON — Despite public outcry earlier in the year, Assembly Republicans released their draft of a new mining bill today that is very similar to the draft mining bill shelved earlier this spring. The bill introduced today still slashes public input and exempts iron mining from existing environmental laws.

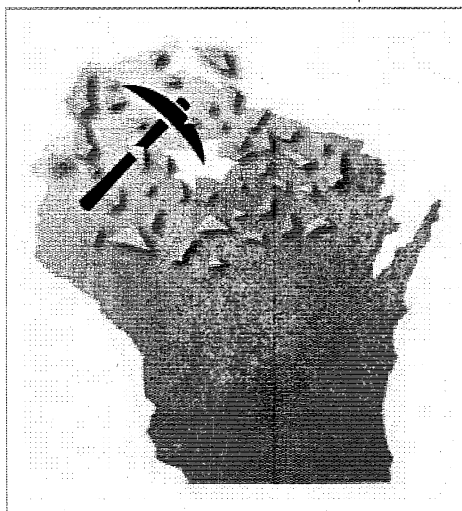
"They obviously haven't listened to the people and didn't learn from the last fiasco, the draft mining bill leaked last spring," says Amber Meyer Smith, director of government relations for Clean Wisconsin. "I don't know how anyone could say with a straight face that this bill doesn't contain huge rollbacks to environmental laws and gut the public input process." The Legislature is rewriting Wisconsin's mining laws as Gogebic Taconite, a subsidiary of a West Virginia-based mining corporation called the Cline Group, proposes to build a massive strip mine near Ashland, Wisconsin. The corporation has leased the mineral rights to 22,000 acres in the Penokee Range, at the headwaters of the pristine Bad River. A draft mining bill released this spring contained language that would have fast-tracked mining proposals, limited public input and provided for an unprecedented elimination of environmental protections. That bill was shelved after immense public outcry. Written in secret, the bill introduced today, LRB 3520, has many of the same egregious provisions the original contained. The new bill still takes away citizens' legal rights and eliminates other avenues of public input during the permitting process. The bill eliminates any meaningful DNR review of a mining permit, and at the same time denies the public the chance to hold mining companies accountable for their actions. The bill takes aim at current laws that protect high-quality wetlands, drinking water sources, trout streams, and clean air and water. The language of the bill actually states that the destruction of natural resources "is presumed to be necessary" for a mine.

Assembly Republicans will hold a public hearing on the bill next Wednesday, Dec. 14 at 10 a.m. at Wisconsin State Fair Park. Leadership has indicated this is the only hearing they will have on the bill. "This bill clearly puts the profits of wealthy out-of-state strip mining executives ahead of public health and environmental protections in our state," says Smith. "A majority of Wisconsinites have already said they don't support changes to mining law that are detrimental to the environment, but today's bill ignores that."

Posted in **Clean Energy, Clean Water, Mining, Take Action** | Tagged **Ashland, Bad River, bill, draft, environmental protection, Gogebic Taconite, mining, republicans, Wisconsin Assembly** | [Leave a reply](#)

EPA approves Bad River Tribe's request to regulate water quality

Posted on **October 6, 2011** by **samweis**



In a move that could have massive implications for the proposed iron mine in Northern Wisconsin, the U.S. Environmental Protection Agency (EPA) recently approved the Bad River Band of Lake Superior Chippewa Indian Tribe's request to regulate water quality in tribal waters.

These regulations allow the Bad River Tribe to impose limits on water uses upstream from their land — including the headwaters of the Bad River where Gogebic Taconite, a subsidiary of the West Virginia-based Cline Group mining corporation, proposes to build a massive open pit iron mine.

The new standards will ensure that water remains clean and plentiful enough to protect native wild rice crops in the Bad River Watershed and regulate sulfide content which can leech into water from waste rock, according to an article in the Milwaukee Journal Sentinel. Members of the Bad River Tribal Council traveled to Madison last month to meet with Gov. Scott Walker and express their opposition to the proposed mine and to outline ten principles that any new mining legislation should include.

This is where we live," said one Tribal Council member during a press conference. "We can't just pack up and move. Our land is our culture, our history which runs deep. We came here today to protect it."

While the Bad River Tribe will have the authority to set the standards, the standards cannot be more

restrictive than the Clean Water Act, and will be enforced by the EPA, not the Tribe.

This news comes just weeks after Senate Majority Leader Scott Fitzgerald announced the formation of a Special Senate Committee to Review Mining Legislation.

You can show your opposition to weakening Wisconsin's mining laws by signing the Bad River Watershed Association's petition.

Please stay tuned, we'll continue to bring you developments about mining in Wisconsin, and be asking you to take action in the coming weeks!

-contributed by Sam Weis, communications director.

Posted in **Clean Water, Mining, Water Quality** | Tagged **Bad River, Bad River Tribe, Environmental Protection Agency, EPA, Gogebic Taconite, Gov. Walker, Iron Mine, Lake Superior, Mine, mining, Scott Walker, Sulfide, Waste Rock, Water regulations, Wild Rice** | [Leave a reply](#)

Bad River Tribe's 10 principles for mining legislation

Posted on **September 21, 2011** by **samweis**

The Bad River Band of the Lake Superior Tribe of Chippewa Indians held a press conference this morning before meeting with Governor Scott Walker to outline ten proposed principles for any new mining legislation introduced in the state.

The press conference started out with a prayer from a Tribal Elder in the native Ojibwe language followed by a traditional "Honor Song." The drumming and voice of the member of a Bad River Tribe echoing through the Senate Parlor was a powerful reminder of the rich history and cultural importance of Native Americans to Wisconsin.

Following the Honor Song, Bad River Tribal Chair Mike Wiggins Jr. and members of the Bad River Tribal Council outlined the many reasons why the tribe opposes Gogebic Taconite's proposed open-pit iron mine located at the headwaters of the Bad River. "This is where we live," said one Tribal Council member. "We can't just pack up and move. Our land is our culture, our history which runs deep. We came here today to protect it."

After explaining that the mine represents an imminent threat to the fish members of the tribe eats, the wild rice they harvest and the water they drink, representatives of the tribe released ten proposed principles for mining legislation. These principles are common-sense proposals that are based on science and law. Here is the press release that highlights the ten principles:

BAD RIVER BAND OF LAKE SUPERIOR TRIBE OF CHIPPEWA INDIANS TO MEET WITH GOVERNOR WALKER AND RELEASE ITS POSITION STATEMENT ON THE PROPOSED GTAC IRON MINE AND PROPOSED IRON MINING LEGISLATION IN WISCONSIN

Madison, WI — The Tribal Council of the Bad River Band of Lake Superior Chippewa Indians (“Band”) is meeting with Governor Scott Walker today to discuss the Band’s opposition to the proposed Gogebic Taconite LLC (“GTAC”) iron mine in the Penoque Hills of Ashland and Iron Counties, and set forth its position on proposed iron mining legislation in the State of Wisconsin.

According to Mike Wiggins Jr., Chairman of the Bad River Tribal Council, “The Band opposes development of the proposed GTAC taconite iron mine in the Penoque Hills of Ashland and Iron Counties in Wisconsin, because it is clear, based on available geologic and environmental information, that such an open pit mine cannot be developed and operated using current mining technologies and practices without destroying the environmental quality, including the waters, wetlands, streams, rivers, air lands and forests of the Bad River watershed, the Bad River Indian Reservation, and Lake Superior.”

Wiggins further stated that “the Bad River watershed is a Wisconsin gem and pristine environmental resource, and the Band’s cultural identity and way of life is highly dependent upon maintaining the health and integrity of the watershed.”

Notwithstanding the Band’s position on the proposed GTAC iron mine, the Band understands that Wisconsin Governor Scott Walker and some members of the Wisconsin Legislature are proposing to change Wisconsin’s metallic mining laws to distinguish between ferrous or iron mining and other metallic sulfide mining, to shorten the state’s permitting process, and otherwise change the permitting and regulatory process for new iron mines.

As such, the Band views the process of changing state law as being distinct from the question of whether or not the proposed GTAC mine should be permitted, noted Wiggins.

“The Band’s position on proposed iron mining legislation is that such legislation should be based on sound science and sound legal principles,” said Wiggins. “The Band opposes the proposals that were included in LRB 2035, which was leaked to the public in early 2011, to streamline and weaken the Wisconsin Department of Natural Resources (“DNR”) permitting process.” According to Wiggins, “any new proposals to change Wisconsin’s metallic mining laws should include ten principles, which are being presented to the governor, although the Band also reserves the right to propose other provisions if

legislation is actually introduced.” The ten principles being proposed by the Band are:

1. THE DEFINITION OF IRON MINING SHOULD BE CLEARLY SET FORTH TO EXCLUDE ANY PROJECT PROPOSAL THAT HAS THE POTENTIAL TO CAUSE ACID MINE DRAINAGE.
2. THE COMPLETENESS OF IRON MINING PERMIT APPLICATIONS SHOULD BE CLEARLY DEFINED AND THE BURDEN OF PREPARING AND SUBMITTING A COMPLETE APPLICATION SHOULD BE ENTIRELY ON THE PERMIT APPLICANT.
3. THE PERMITTING TIME FRAME SHOULD BE REASONABLE, FLEXIBLE, AND CONSISTENT WITH FEDERAL AGENCY TIME FRAMES. IT SHOULD ALSO PROVIDE SUFFICIENT TIME FOR THE DNR, THE PUBLIC, FEDERAL AGENCIES, AND AFFECTED INDIAN TRIBES, TO FULLY REVIEW AND PARTICIPATE IN THE PERMITTING PROCESS.
4. EXISTING WETLAND PROTECTION STANDARDS SHOULD BE MAINTAINED AND THE FEDERAL/STATE PARTNERSHIP IN THE ENVIRONMENTAL REVIEW PROCESS UNDER STATE AND FEDERAL LAW SHOULD NOT BE JEOPARDIZED.
5. FEDERAL CLEAN WATER ACT IMPLEMENTATION BY THE DNR SHOULD BE CORRECTED AND NOT WEAKENED.
6. THERE SHOULD BE CONTESTED CASE HEARINGS TO ALLOW FULL PARTICIPATION BY INTERESTED PARTIES, INCLUDING INDIAN TRIBES.
7. THERE SHOULD BE NO PREEMPTION OF LOCAL CONTROL.
8. CITIZEN SUITS SHOULD BE MAINTAINED TO MAKE SURE PERMIT PROVISIONS AND LEGAL RESTRICTIONS ON NEW MINES WILL BE ENFORCED.
9. CONSULTATION WITH INDIAN TRIBES BY THE DNR SHOULD BE REQUIRED AS PART OF THE PERMITTING PROCESS.
10. INTERESTED PARTY FINANCING SHOULD BE PROVIDED FOR THE CONTESTED CASE HEARING PROCESS.

—End—

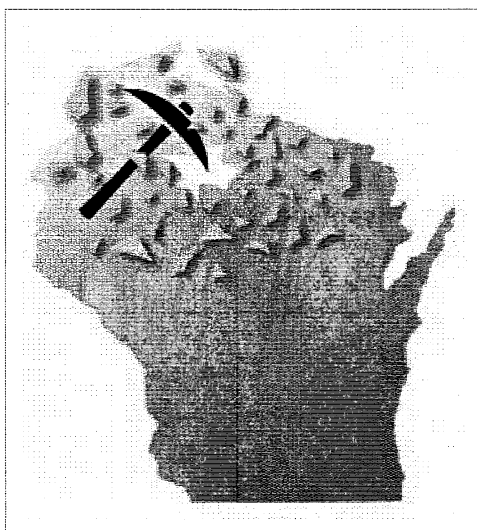
-Contributed by Sam Weis, communications director.

Posted in **Clean Air, Clean Water, Mining, Water Quality** | Tagged **Ashland, Bad River, Bad River**

Tribe, Capitol, Gogebic Taconite, Iron, Iron mining, iron ore, Lake Superior, Madison, Michael Wiggins jr., Native Americans, Scott Walker, Wild Rice, Wisconsin | 4 Replies

Petition to Preserve the strength of Wisconsin's mining laws

Posted on September 16, 2011 by samweis



An out-of-state mining company called Gogebic Taconite is proposing to build a massive open-pit iron mine in the heart of Northern Wisconsin, at the headwaters of the Bad River. Such a mine would scar the Northern Wisconsin landscape, use massive quantities of water and threatens to pollute the area's pristine lakes, rivers and streams.

Perhaps most concerning is that fact that these out-of-state mining interests are currently trying to rewrite Wisconsin's laws to fast-track this proposal.

This Spring, a bill was circulated in the state capitol that would have gutted the environmental review and public input process for permitting new mines.

In a telling statement, the bill admitted "it is probable that mining [iron] deposits *will result in adverse impacts to areas of special natural resource interest and to wetlands.*" It included a "legislative finding" that this environmental destruction is "presumed to be necessary," and would have made it legal to dump toxic mine waste in floodplains, rivers, and lakes.

Luckily, grassroots outcry helped encourage legislators to pull back, and the bill is now being redrafted. The success in slowing down this bill demonstrates the strong power grassroots activism holds in the fight to protect Wisconsin's environment from dangerous mines. While grassroots opposition helped slow down this bill, it is expected that legislators will introduce new mining legislation early in the upcoming session.

Do you oppose weakening Wisconsin's mining laws? If so, you should make sure to sign the Bad River Watershed Association's petition asking legislators to maintain the strength of Wisconsin's laws.

It reads as follows:

Dear legislator:

Companies seeking to establish mining operations in Wisconsin should meet requirements that protect water quality and supply, and give citizens the opportunity to be heard about their concerns. The existing laws that protect our land and water should not be weakened.

To sign the petition, click here!

-Contributed by Sam Weis, Communication's Director.

Posted in **Clean Water, Mining, Take Action** | Tagged **Ashland, Bad River, Bad River Watershed Association, Gogebic Taconite, Iron Mine, Mellen, Mine, Northern Wisconsin, Water Pollution, Wetlands** | 6 Replies

Mining Legislation Seeks to Gut Environmental Protections and Public Input Process

Posted on **May 12, 2011** by **samweis**

A bill was released late yesterday that seeks to fast-track the approval process for iron mines such as the 22-mile-long mine proposed by Gogebic Taconite in Northern Wisconsin.

The bill is riddled with provisions that cause us great concern at Clean Wisconsin. Here is a copy of the press release that we sent out this afternoon:

FOR IMMEDIATE RELEASE: May 12, 2011

Proposed Bill Would Gut Environmental Review and Public Input Process for Proposed Iron Mines

MADISON – A 186-page bill released yesterday seeks to fast-track iron mine projects in Wisconsin by making the expansion of mining a state policy, slashing opportunities for public input and eliminating

environmental protections.

"This bill was written by the mining industry to gut the environmental review and public input process for proposed mines," said Katie Nekola, attorney for Clean Wisconsin. "It serves the interests of wealthy out-of-state mining developers who contribute heavily to political campaigns at the expense of Wisconsin's Northwoods."

The bill would allow dumping toxic mine waste in floodplains, near rivers and lakes, and near the boundaries of neighboring properties. It would eliminate the requirement that the application includes an assessment of the risks of soil erosion, flooding, pollution of ground or surface water, damage to public health or threats to public safety.

In a telling statement, the bill admits that "it is probable that mining those deposits *will result in adverse impacts to areas of special natural resource interest and to wetlands.*" The bill includes a "legislative finding" that this environmental destruction is "presumed to be necessary."

"Mining companies know that their operations can't meet Wisconsin's legal standards for environmental protection, so they're working to get rid of those protections and shut the public out of the process," said Nekola.

The release of the bill comes as the mining company Gogebic Taconite conducts exploratory drilling in the Penokee Range, located at the headwaters of the Bad River near Ashland. The company has leased the mineral rights to 22,000 acres in order to construct an open-pit iron ore mine there.

"Approving a strip mine in a region known for Class A trout streams, high-quality wetlands, pristine parks and national forests without thorough environmental analysis and the opportunity for the public to have a voice is outrageous," said Nekola. "Instead of trying to rewrite our laws to accommodate polluters, we should ensure that they operate within current law."

For a brief summary of the provisions included in the bill, please visit www.cleanwisconsin.org

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Clean Wisconsin, an environmental advocacy organization, protects Wisconsin's clean water and air and advocates for clean energy by being an effective voice in the state legislature and by holding elected officials and polluters accountable. Founded in 1970 as Wisconsin's Environmental Decade, Clean Wisconsin exposes corporate polluters, makes sure existing environmental laws are enforced, and educates citizens and businesses. On behalf of its 10,000 members and its coalition partners, Clean

Wisconsin protects the special places that make Wisconsin such a wonderful place to live, work and play. 608-251-7020, information@cleanwisconsin.org, www.cleanwisconsin.org.

Posted in **Clean Water, Mining, Water Quality** | Tagged **Ashland, Bad River, Cline Group, Copper Falls, Gogebic Taconite, Iron, Iron Mine, Northern Wisconsin, Northwoods, Water Quality** | **Leave a reply**

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EPA gives Wisconsin tribe power to set water standards

Move could have impact on Gogebic's proposed iron ore mine

By Lee Bergquist of the Journal Sentinel

Oct. 5, 2011 | (61) Comments

Federal regulators have approved a northern Wisconsin Indian tribe's request to regulate water quality - a move that could affect the construction of an iron ore mine near Hurley.

The Bad River band of Lake Superior Chippewa said Wednesday that the Environmental Protection Agency had approved its application to set standards for water quality for tribal waters.

The approval allows the tribe to impose limits on water uses on others outside the reservation who live upstream.

That could affect a proposed iron ore mine in the Bad River watershed proposed by Gogebic Taconite, which is based in Hurley.

The mine would be built in a ridge of hills known as the Penokee Range; in Michigan the same ridge is called Gogebic.

The plans by the company for the \$1.5 billion mine are on hold for now, with Gogebic saying it is waiting to see the outcome of possible changes in state law this year that could expedite the environmental review process.

If built, the facility will employ about 700 workers and provide an economic jolt to the region, Gogebic says.

Tribal officials are opposed to the mine. Tribal Chairman Mike Wiggins Jr. and other Indian leaders met last month with Gov. Scott Walker in Madison to convey their concerns: The mine would sacrifice short-term economic gain for the long-term health of the environment.

Gogebic Taconite, Walker and legislators who are pushing for changes in mining laws say the mine must be operated in a manner that doesn't harm the environment.

Bad River's standards will be stricter than current water quality regulations, said Cyrus Hester, a tribal environmental specialist.

But Hester and state and federal officials noted that the new standards can't be stricter than the Clean Water Act.

An EPA spokesman said the federal agency will enforce the law - and not the tribe. Four other tribes in the Midwest region of the EPA have received the same regulatory authority.

One standard will allow the tribe to require that upstream waters are clean enough and have adequate flow so they won't harm native wild rice beds. Wild rice is an important food source and a crop of cultural significance to the Bad River.

Another standard regulates sulfide content, which could be affected by the sulfide mineral content in waste rock that could leach into local groundwater and surface water.

Bill Williams, president of Gogebic Taconite, said the company won't begin conducting tests of the rock and water on the mine site until the Legislature acts.

"That will be the proof in the pudding on whether this rock is benign or not," Williams said.

Williams said the tribe's new standards could affect not only a mine, but also local communities such as nearby Mellen, which, if the mine is built, could experience an increase in capacity at its sewage treatment plant.

While there will be water loss in processing the ore, it won't be sufficient to harm the watershed, Williams said. Water that is used at the mine will be treated and reused, he said.

In a statement, Wiggins said of the new standards:

"From just north of the Penokee Mountain area to Lake Superior, our tribe is ready to stand up and protect Nibi (water) for all peoples and future generations."

"As a sovereign nation, the Bad River Tribal Government is committed to preserving and enhancing its natural resources for future generations and believes clean water should not be sacrificed for short-term speculative economics."

Find this article at:

<http://www.jsonline.com/news/wisconsin/epa-gives-wisconsin-tribe-power-to-set-water-standards-131192408.html>

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Bad River Pursues Air Quality Standards

Article | November 1, 2011 - 5:35pm | Mike Simonson

The Bad River Band of Lake Superior Chippewa is planning to set their own air quality standards, which could be used against a proposed iron ore mine.

Bad River is already armed with its own water quality standards approved by the U.S. Environmental Protection Agency this fall.

Tribal Chairman Mike Wiggins repeatedly refers to these EPA certifications as a journey to protect his people's watershed, which crosses their reservation into Lake Superior. He says gaining class one EPA air quality certification is a matter of self-determination in the face of what he considers the threat of a two-mile-long iron ore mine in the Penoche Mountains.

"That class one journey does relate back to the potential for that open pit mining initiative. When you're doing essentially mountain top removal and taking a mountainside and crushing it to talcum powder, there's a tremendous air particulate bloom that you can expect along with other pollutants, mainly mercury emissions," Wiggins says.

Mine developer Gogegic Taconite insists its process will be clean and within state and federal air and water pollution standards. Meanwhile, Wiggins says there air quality application is still months or more away.

"We're working on some of the technical data gathering that's going to go into that so we're not quite to the submission to the EPA or anything like that but we have started the journey."

In early October, the EPA approved Bad River's request to set its own water quality standards.

About the Author

Mike Simonson
Wisconsin Public Radio

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11 - 12:42pm

inside the smoke filled casino whose patrons are livelihood, put at risk.

4:15pm

I thought I heard that the mine was going to be 4 miles long.

I really can't believe that this iron mine will be the only one in the world that doesn't pollute the environment. The Bad River Tribe and GLIFWC is our only hope to keep this uncaring, greedy corporation out of our national treasure, the Penokee Hills.

I resent that all this hoopla about jobs is all about our son-a-Baptist minister son promising to bring new jobs to the state. He's not concerned about jobs for local people as much as he is about rewarding his super-rich buddies from out of state that got him into office in the first place. GTAC hasn't even applied for permits to do test drilling, yet they telling us there would be no pollution. The water usage is a real problem and the changes the mine would cause could dry up a clean water source for the Bad River Tribe as well as Lake Superior. I still don't hear anyone bringing up the fact that the whole area will be shaking from constant blasting and a lot of area people will be breathing the dust that emanates from the huge mine.

We all want good paying jobs for our area. However, the cost of our clean environment is too high a price to pay just to benefit a few local families for a decade or two. We're not a third world country like the governor thinks.

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Posted: Friday, October 28, 2011 12:00 am | Updated: 9:11 pm, Mon Oct 31, 2011.

By RICHARD J. PUFALL Assistant Editor |
0 comments

HURLEY - The subject was mining and most in the crowd of about 400 seemed to embrace the idea. Except, that is, for a couple of area women and, of course, the Bad River Band of Lake Superior Chippewas.

All attended Thursday's informational meeting presented by the Assembly Committee on Jobs, Economy and Small Business in the auditorium of Hurley's K-12 school. The purpose of the meeting was to field public input on updating state metallic mining laws, a relevant issue given the interest Gogebic Taconite has in creating an iron mine in northern Wisconsin's Penokee Mountain Range, just south of Lake Superior.

The Bad River Band of Lake Superior Chippewa's reservation in Odanah, just north of the proposed mine site, is strongly opposed to the mine. The Chippewas say the mine would pollute their water and destroy their wild rice beds.

Mining Opponents

MINING OPPONENTS - Bad River Tribal Chairman Mike Wiggins, Jr., left, and tribal attorney Gene Stoddard testified that they did not believe there was any way to mine the taconite deposit located in Ashland and Iron County in an environmentally safe manner. They outlined a series of 10 points in their opposition to the mining proposal, noting their sovereign rights as a tribe to set water quality standards. (Rick Olivo/Staff Photo)

Mike Wiggins Jr., the Bad River tribal council chairman, was not loud, but he was long in giving his testimony on behalf of the tribe. Invited speakers were asked to limit themselves to five or 10 minutes, but Wiggins spoke for more than 23 minutes, then spent another 25 answering questions, assisted by tribal attorney, Glenn M. Stoddard of Eau Claire.

"We are an indigenous, sovereign nation on the shores of Lake Superior," Wiggins said. "We have an environmentally pristine homeland and we shoulder environmental stewardship. We are downstream of the proposed open-pit mine. And we perceive this to be a threat."

A prepared statement, presented by Stoddard, outlined 10 key points the tribe had in its opposition to the mine. The statement began with:

"The Bad River Band of Lake Superior Chippewa Indians opposes September 2011 Special Session Assembly Bill 24, and Senate Bill 24, because these bills would be a first step toward weakening Wisconsin's current metallic mining laws, presumably to benefit Gogebic Taconite, LLC. We, therefore, urge the committee to vote against passage of these bills."

Officials for GTAC have put their plans on hold until they receive assurances from Wisconsin legislators that there is a clear end point to the state's mining approval process.

Stoddard took exception with what he perceived to be the state's willingness to cater to the mining company.

"GTAC is asking the state of Wisconsin, the legislature, the people, to act like a banana republic and simply change the law at their request," Stoddard said.

Ros Nelson of Washburn and Sarah Martines of Mason were among what seemed to be the quiet, anti-mining minority at the meeting.

"I'm in favor of a sustainable, healthy economy that doesn't kill people as its end result," Nelson said. "So definitely, I'm against the mine. As far as jobs, we all have that problem. We're all economically stressed. I'm economically stressed, but the answer isn't a mine. The answer is a sustainable economy that's based in the health of the land and the air and the water and the people."

"We don't destroy that to have a job. It's ludicrous. It's sad. And I'm kind of heated up about it."

Nelson and Martines were among the 300 private citizens who were scheduled to make comments at the hearing, limited to three minutes each.



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Tamara Cameron COE.
- St. Paul

Tamara doesn't think an application will be forthcoming anytime soon. Proponent hasn't done detailed borings.

COE will push hard for good baseline data for several years to be part of a "complete" application.

in 2002-04 The interagency ^(MD-based) ^{work} group had decided what applicants needed to provide. It hadn't raised issue of groundwater data adequacy. Didn't look closely at sulfate issues in hindsight, it was mostly transferred. If state legislation in WI guts WPCA jurisdiction, then COE would have to stand alone in spelling out what the COE would deem a complete application.

COE would prefer to do a joint NEPA-WPCA EIS, but if WPCA lacks authority (e.g., if new legislation limits their role), then COE would have to do a NEPA EIS w/o benefit of state involvement.



RE: Bad River Mine
Garon, Stephen to: Lara Lasky

11/08/2011 07:55 AM

From: "Garon, Stephen" <Stephen_Garon@sra.com>

To: Lara Lasky/R5/USEPA/US@EPA

History: This message has been forwarded.

Her email is Dalton.deborah@epa.gov

From: Lasky.Lara@epamail.epa.gov [mailto:Lasky.Lara@epamail.epa.gov]

Sent: Tuesday, November 08, 2011 12:51 AM

To: Garon, Stephen

Subject: RE: Bad River Mine

Deb must be really busy. I didn't get a return phone call yet. What is her email? I will try that avenue tomorrow...maybe pull Jasmin in as she is back in town. Thanks,

Lara Lasky
Environmental Justice Program Coordinator
US EPA Region 5
77 W. Jackson Blvd. E-19J
Chicago, IL 60604
Ph: 312-353-5614
Fx: 312-385-5538
lasky.lara@epa.gov

-----"Garon, Stephen" <Stephen_Garon@sra.com> wrote: -----

To: Lara Lasky/R5/USEPA/US@EPA

From: "Garon, Stephen" <Stephen_Garon@sra.com>

Date: 10/27/2011 11:55AM

Subject: RE: Bad River Mine

Deb's phone number is 202-564-2913

I am open during the same time block on Monday.

I've pasted below the request I sent to the two subcontractors.

Let me know if you need anything else.

Steve

Can you send me something of 5 or fewer pages by next Friday morning that responds to the situation and provides a proposed approach (or even your approach to developing an approach), summarizes a couple of relevant projects you have done, and

addresses any of the following criteria:

- Knowledge of environmental justice and programs and/or experience building capacity around environmental justice issues
- Media advertisement experience
- Social marketing experience

The above bullets are good themes to hit on if you have the experience. They are not show-stoppers if you don't.

To summarize, the only real limitation in your response is the number of pages. You okay with these loose instructions but firm page limit and timeline?

Steve

~~~~~

---

This TD would support a community outreach effort in Wisconsin. This piece would be to help support an outreach campaign to raise awareness of the EJ concerns surrounding the proposed mining permits and proposed legislation. Contract needs include: help with development of materials and outreach strategy (including identifying audiences and targeting messages), development of social media strategy and holding several meetings to inform stakeholders of the concerns, and facilitating discussion with local tribe members and others

#### Background

This outreach campaign would be related to the construction of an open pit iron ore mine field in Wisconsin's Penoque-Gogebic region as well as the proposed mining legislation that would allow for more ease in getting the mine constructed, including reducing the critical public involvement requirements under the permit. The Penoque-Gogebic range extends 25 miles in far northern Wisconsin, through Iron and Ashland counties. The range consists of two steep, parallel ridges that dominate the local landscape rising 1200 feet from the nearby Lake Superior. The topography of the area and the variety of soil conditions result in a wide range of habitat that support a diverse of species and natural communities. The proposed iron ore mine would require 1900 acres for tailing disposals, and would be located at the headwaters of the Bad River, which flows through the Bad River reservation and into the Kakagon Slough, which we believe are Lake Superior's last remaining wild rice beds, and are very important to the Tribe. From there, the water flows into the Chequamegon Bay of Lake Superior.

For the past year, community activists, who emphasize the

environmental justice aspects of their concerns, have met with the Tribal Chair and its members as well as the Bad River Watershed Association and other concerned local citizen groups. Community concerns about the irreparable harms to the forests, waters, and cultural treasures of northern Wisconsin have been the subject of intense e-mail and letter writing Campaigns, media work, and a combination of small and large meetings. Work still needs to be done to raise awareness of the proposed mines and the legislation and its impact on the land and its people.

-----Original Message-----

From: Lasky.Lara@epamail.epa.gov [mailto:Lasky.Lara@epamail.epa.gov]  
Sent: Thursday, October 27, 2011 12:31 PM  
To: Garon, Stephen  
Cc: Muriel.Jasmin@epamail.epa.gov  
Subject: Re: Bad River Mine

I think I will also give Debbie a call tomorrow (booked today). Can you provide her contact information?

I still am waiting to hear back from an attorney here.

Then, hopefully I can figure something out and the call next week would be with Clean Wisconsin and you and Jasmin would be fine for next week.

My Monday from 11EST to 3EST is open.

Also, Steve, could you send the TA or WA or whatever the writeup you submitted to the potential subcontractor so that I have that to work from?

Thanks!!

Lara Lasky  
Environmental Justice Program Coordinator US EPA Region 5  
77 W. Jackson Blvd. E-19J  
Chicago, IL 60604  
Ph: 312-353-5614  
Fx: 312-385-5538  
lasky.lara@epa.gov

From: "Garon, Stephen" <Stephen\_Garon@sra.com>  
To: Lara Lasky/R5/USEPA/US@EPA  
Cc: Jasmin Muriel/DC/USEPA/US@EPA

Date: 10/27/2011 06:44 AM  
Subject: Bad River Mine

Hi Lara - I reached Debbie Dalton by email yesterday and explained our dilemma about using agency funds for what appears to be - or could be construed to as - an advocacy campaign, however well intended. This is her reply:

"EPA cannot fund advocacy groups campaigns with our money, even if we are comfortable with their positions personally or informally as agency folks, we can't stray over that line. If Lara wants to call me or set up something with Jasmin and us and you I'd be glad to tease out what can be done without having a problem. In addition this contract is for neutral services not for advocacy services, and I don't mind talking about what we feel this means."

Any luck with getting input from an EPA attorney regarding this?

Do you think it makes sense to schedule a call with Debbie and Jasmin next week to discuss? Or would you prefer to discuss with Debbie directly? Let me know what you prefer.

Steve

Steve Garon, Ph.D.  
Energy & Environmental Services  
SRA International  
3434 Washington Blvd  
Arlington, VA 22201  
703.284.6190



US Army Corps  
of Engineers  
St. Paul District

# Information Paper

**Regulatory Program: Gogebic Taconite, LLC.**

**Ashland and Iron Counties, Wisconsin**

## Contact

William Sande, Project Manager  
(715) 934-2170 (715) 934-2173 (fax)  
[william.m.sande@usace.army.mil](mailto:william.m.sande@usace.army.mil)

## Location/Description

Gogebic Taconite (G-Tac) has purchased an option to lease mineral rights on approximately 22,000 acres in the Penokee Range in Ashland and Iron Counties, Wisconsin.

At a January 19, 2011 town hall meeting in Ashland, G-Tac representatives described the nature of the ore deposit as world class, possessing more than 2.2 billion tons of iron ore that could be mined over a period of 30 to 35 years. Positive aspects of the project include the sites proximity to existing infrastructure, such as roads, railroad, power, harbors and ports, and a large labor force.

Potential environmental impacts associated with an iron ore mine in the Penokee Range include large-scale aesthetic impacts to the landscape, forest fragmentation, loss of wetlands, and adverse impacts to water quality. The area is located within the Lake Superior watershed and is adjacent to the Bad River Indian Reservation.

## Status

G-Tac is in the process of verifying existing data and collecting new data needed to determine whether the project will be economically feasible and to develop conceptual plans. Corps staff attended an interagency meeting with G-Tac on April 7, 2011, to discuss their proposal and to provide information on the Corps regulatory program and permit process.

## Authority

It is anticipated that the Corps would have regulatory authority over the project pursuant to Section 404 of the Clean Water Act of 1977 for discharges of dredged and fill material into waters of the United States.



## Iron County mine proposal pits jobs against the environment



Lee Bergquist

**Bill Heart of Trout Unlimited goes fly fishing on the Tyler Forks River. A proposed iron ore mine in northern Wisconsin raises concerns about water pollution**

By Lee Bergquist of the Journal Sentinel

July 2, 2011 | (233) Comments

**Hurley** - Iron ore made this town, and many people believe an open-pit mine will help revive the fortunes of this once-bustling community.

"We need jobs now - not 10 years from now," said hardware store owner Jack Giovanoni, who supports

plans for a \$1.5 billion mine 20 miles away.

But the project is emerging as a classic jobs-vs.-environment battle as opponents question how a large mine could influence another natural asset of the region - its water resources.

While the developer, Gogebic Taconite, hasn't formally applied for a construction permit, the project is coming under fire from environmental groups and from a nearby Indian tribe.

The Bad River band of Lake Superior Chippewa voted to formally oppose the mine this spring.

And in a significant development, the tribe is poised to win new powers to govern water-quality standards that could affect the operations of the mine.

The tribe and the proposed mine are in the 1,000-square-mile Bad River watershed, a major tributary to Lake Superior.

The tribe, whose reservation is on the shore of Lake Superior, is close to receiving approval from the U.S. Environmental Protection Agency that would allow it to set water standards on tribal properties.

This would enable the tribe to impose limitations on water users that operate upstream and outside the reservation, as well, state and federal officials said last week.

"The Bad River people stand to bear the environmental brunt of this mine," Tribal Chief Michael Wiggins Jr. said at his office in Odanah.

Two of the tribe's main concerns:

Will the water-intensive needs of an open pit mine and its processing plant reduce flows downstream and harm drinking water, fishing and wild rice beds on tribal lands?

Will sulfide chemicals in the waste rock seep into groundwater, streams and wetlands and harm water quality?

Gogebic Taconite says the company will avoid such problems.

Bill Williams, president of the company, said the processing plant will recycle its water. While there will be water loss in processing the ore, it won't be sufficient to harm the watershed, he said.

As for the potential of sulfide pollution, early indications show that the region's rock doesn't have high concentrations. If it turns out the chemical content is higher, "there is no way that the mine will ever be permitted," said Williams, who has worked on mines in Spain, Peru, Minnesota and Michigan.

## **Long-term project**

Gogebic Taconite is owned by the Cline Group, a privately held mining company based in Palm Beach Gardens, Fla., with coal interests in Illinois and other parts of Appalachia.

Gogebic has an option on the mineral rights for 22,000 acres covering 22 miles of a mountain range known as the Gogebic or Penoque that runs through northern Wisconsin and Michigan's Upper Peninsula.

Plans call for operating the first phase for 35 years, but officials say the deposit, 20% to 35% iron ore, is significant enough to continue mining for the next century.

The Gogebic range in these parts rises several hundred feet above Highway 77 in Iron and Ashland counties, and is used for logging, as well as hunting and other recreational uses.

Since Gogebic's plans became known, Bill Heart of Ashland, past chair of Trout Unlimited in Wisconsin, has been making visits with his fly rod to the Tyler Forks River, the closest river to the mine.

Last Tuesday morning, he caught and released a steady succession of brook trout, nearly stomped on a wood turtle - a threatened species - and nibbled on his first wild strawberry of the season.

"This river - these little streams out here and what they carry - make a difference," said Heart, who is worried the mine will harm the watershed.

"Everything flows downstream."

Life will change considerably if the Department of Natural Resources and other regulatory agencies approve the project, which Gogebic hopes to start operating in about five years.

In the initial phase, miners would cut a 4-mile-plus swath between Ballou Creek in Ashland County and the Tyler Forks in Iron County, which flows through Copper Falls State Park.

Plans call for digging a pit 1,000 feet deep to extract rock. A processing plant on-site would crush and concentrate the ore, baking it into marble-sized pellets used to make steel. Two trainloads of pellets would lumber out of the mine each day.

The Gogebic range has been mined intermittently since the late 1800s; and in Hurley, mining is as much a part of the city's legacy as the Packers are in Green Bay.

Many of the streets bear the names of minerals, including the infamous Silver St., Hurley's main drag where bars and strip joints once catered to off-duty miners.

Silver St. is tamer these days - the last iron mined in this part of Wisconsin was the Cary mine, which closed in 1965.

"The range never recovered from the collapse of mining," said Paul Sturgul, a Hurley attorney who is chairman of the local mining committee appointed by the Iron County Board.

Sturgul, whose father was a miner for 22 years, supports Gogebic's proposal to mine the ore - if it can be done safely without harming the environment.

"This could be the last gasp for the Gogebic range," he said.

To underscore the significance of the project, the Hurley Area Chamber of Commerce last month collected 2,040 signatures in a week and a half and sent them to lawmakers, urging them to back the mine.

## **Economic boost**

Supporters believe the mine would jump-start a troubled economy. Iron and Ashland counties are poorer, older and less educated than the state average.

Food stamp usage is higher here, Iron County figures show.

Median household income in Iron County in 2009 was \$34,210, or 32% below the statewide average, according to the most recent U.S. census figures.

One quarter of the population is 65 or older, projected to rise to 38% by 2030, according to the state Department of Workforce Development. Wisconsin's 65-and-older population is 14%.

As for education, 15% of the county's population has a college degree. The statewide average is 26%.

"We are basically losing our young people to other places," said Jeff Gulan, principal of Hurley's K-12 school.

In fact, Iron County's population is the lowest in at least 100 years. Census figures reported a population of 5,916 people in 2010. It reached its peak in 1920 at 10,261.

"I can't see anything else that will bring this area back," said Jack Giovanoni, owner of Giovanoni's True Value Hardware, which has been in his family since 1941.

But business is at its lowest point ever. Gogebic's 700 mining jobs - with average salaries and benefits of nearly \$83,000 a year - would be a boon to the local economy, he said.

Gogebic's own economic analysis estimates the mine would stimulate a total of 2,834 jobs during the first 35 years of operation as truckers, rail workers, professional people and businesses move into the area.

Like many in Hurley, Giovanoni is frustrated by the opponents and their claims that the mine will harm the environment.

"It doesn't make sense," he said, gazing downtown from his driveway a few blocks away.

In a meeting with editors and reporters of the Journal Sentinel last week, Gov. Scott Walker said the mine is "something we should pursue," but added the state can't neglect its duty to enforce environmental regulations.

"If we can set a standard that shows we can be environmentally responsible, you're talking about literally thousands of jobs that are generational," Walker said.

### **Awaiting legislative action**

Gogebic had planned to drill exploratory holes this year, but is putting the work on hold until lawmakers take up legislation that would ease the way to construct a mine. Staff, meanwhile, are evaluating other projects in the Midwest, according to the company.

This spring, legislators balked at fast-tracking a bill as they grappled with the budget deficit and collective bargaining rights of public employees.

Though never formally introduced, a draft bill heavily influenced by the company was widely circulated.

It would have required the DNR to act on an iron-mining permit within 300 days and eliminated an appeal process. Wetland protections would also have been weakened.

A bill could be back before the Legislature this fall.

"We need jobs and clean water, and we can't live here without either one of them," said Michele Wheeler, executive director of the Ashland-based Bad River Watershed Association.

"We are going to be the guinea pig for any legislation that comes out, so we really needed to understand what is going to happen."

Wiggins, the tribal chief, opposes any changes to the state's mining laws, and said that mining advocates' talk of jobs tends to marginalize the value of tourism and the importance of clean water to indigenous people.

He sent Walker a letter in May complaining that the DNR authorized Gogebic to do exploratory drilling without soliciting comments from the tribe and others.

"If we didn't stand up and exert ourselves, and sound our voices, we are going to be railroaded," Wiggins said.

In June, DNR Secretary Cathy Stepp and executive assistant Scott Gunderson, a former Republican legislator, joined Wiggins to tour the sloughs and wild rice beds that surround the Bad River.

"It quickly became apparent - and I say this with all due respect - that Miss Stepp and Mr. Gunderson were not familiar with the negative environmental impacts of the iron mining process," Wiggins said.

Stepp agreed she did not know of the specific examples Wiggins had mentioned. "But I am not unaware of the problems associated with mining and the issues in the industry," she said.

"My job was to go up there and reassure him that we are going to be diligent protectors of the environment."

*James B. Nelson of the Journal Sentinel staff contributed to this report.*

ascript language="JavaScript" src="http://js.adsonar.com/js/adsonar.js">

**Find this article at:**

<http://www.jsonline.com/news/wisconsin/124929144.html>

☐ Check the box to include the list of links referenced in the article.

Melissa Helman  
715-685-0986  
Citizen

Ashland, WI

1 morning call.

Westlake call notes

4/22/11 12<sup>30</sup>

Re: Gogebie Taconite Mine project  
Ashland Co., WI

I explained how NEPA is triggered and that the Corps has a federal action for wetland full permitting on this project. I gave her Rep. Kuylenstierna's name & # at COE - St. Paul. COE anticipates having to do an EIS on this project.

Exploratory drilling permission sought by mining company from WI DNR. WDNR regulates mining, will have to process a mining permit application and will likely do a Wetlands document under WETA. Mining company will initiate an application to WDNR and COE once they've done their test drilling and prepared a proposal. That proposal will include location, footprint, depth of mine, processing plant, tailings train, and water emissions (WDNR has delegation from EPA for CWA and CAA permits).

After COE reviews a permit application, NEPA process starts when COE publishes a Notice of Intent to prepare EIS. Strong comments will be solicited from the public and agencies.

I expect that COE and WDNR will do a joint EIS to satisfy NEPA and WETA. Usually, COE will get the company to pay for COE's consultant costs to prepare EIS.

I speculated that NOI is many months off, if the company is just doing exploratory work now.

EPA will work w/ COE, WDNR. We have independent EIS review organization.



# Chippewa band leery of iron ore mine

## Chairman worried about air, water pollution from proposed mine

By [Jason Stein](#) and [Lee Bergquist](#) of the Journal Sentinel

April 13, 2011 | [\(12\) Comments](#)

**Madison** — The chairman of the Bad River Band of Lake Superior Chippewa delivered to lawmakers on Tuesday a warning about a proposed mine in northern Wisconsin.

The speech by Mike Wiggins Jr. in the annual state of the tribes address to the full Legislature underscores the challenges that developers of an iron ore mine in Ashland and Iron counties will face with the state's tribal leaders - especially the nearby Bad River tribe.

Wiggins, who also serves as chairman of the Great Lakes Inter-Tribal Council, detailed the importance of tribal economic development.

But he expressed concern about the effect of the mine proposed by Gogebic Taconite. Officials with the Hurley-based company released a report Monday saying the open pit mine could create 700 mining jobs and stimulate more than 2,800 jobs in a 12-county region.

The Bad River flows from the proposed site near Mellen directly through the tribe's reservation and into Lake Superior, heightening the tribe's concerns.

"What has been remarkably absent is public discourse on the environmental consequences and ultimately the risks that we already know to be associated with open pit mining," Wiggins told lawmakers.

In an interview, Wiggins said that he believed the Great Lakes Inter-Tribal Council, which includes a dozen state tribes, also could have concerns.

The state's tribes have played significant roles on selected environmental issues in the state.

Last year, the Forest County Potawatomi spent heavily on lobbying for controls of carbon dioxide emissions - even though the legislation did not pass.

The Sokaogon, or Mole Lake band of Chippewa, opposed the proposed Crandon mine on environmental grounds. The mine was never built.

Wiggins said he was troubled by the presence of sulfides in the Penokee range, where the mine would be built.

"Sulfide components are a game changer," he said in an interview.

Bruce Brown, a senior geologist with the Wisconsin Geological and Natural History Survey, said that small amounts of iron sulfides probably would be found in waste rock.

As the rock is exposed to weather and oxidizes, it can potentially release harmful metals, he said. Any mining process would have to minimize the amount of such potentially harmful material, Brown said.

Wiggins said he had received what he described as a "10-minute cold call" from someone involved in the mining project but had not met personally with any of the executives involved in the proposal.

When asked if he would entertain proposals allowing the mine to go forward, Wiggins said he wasn't sure, noting the potential effect on groundwater from which his tribe draws drinking water.

"We remain open to that - that notion that we might find a balance," he said.

Tom Maulson, president of the Lac du Flambeau tribe, which also has a northern Wisconsin reservation, was more blunt.

"I'm dead against mining," Maulson said. "I don't believe mining is going to be in the best interests of Wisconsin."

Sen. Bob Jauch (D-Poplar), whose district includes the Bad River reservation, said the key will be to see an eventual proposal from Gogebic.

He emphasized the Bad River will play a crucial role. He also noted the U.S. Environmental Protection Agency could grant the tribe regulatory authority over water quality of the Bad River.

The state Department of Natural Resources said Tuesday that the tribe is in the early stages of seeking that authority.

The Mole Lake band of Chippewa received approval to designate its watershed as "outstanding resource waters," a classification that can limit activities of upstream users.

"The tribe is going to have a real influence on this issue," Jauch said.

J. Matthew Fifield, managing director of the Cline Group, a privately held mining company that owns Gogebic, said that if the mine moves forward it will comply with all environmental regulations.

"If we don't meet air and water quality standards, we won't get a permit," he said.

**Find this article at:**

<http://www.jsonline.com/news/wisconsin/119739399.html>

☐ Check the box to include the list of links referenced in the article.



## Gogebic Taconite project



Published March 22, 2011, 09:05 AM

### Mining company wants to test drill for taconite near Ashland

Western Wisconsin News

-- A mining company asked the state DNR yesterday to allow test drilling for a proposed open pit mine in far northern Wisconsin.

ASHLAND - A mining company asked the state DNR yesterday to allow test drilling for a proposed open pit mine in far northern Wisconsin.

Gogebic Taconite and its parent firm, the Cline Group, asked for the okay to drill eight exploratory holes to check for possible iron ore between Mellen and Upton in Ashland and Iron counties. The company has mineral rights in the area. And on Friday, the DNR approved a separate exploration permit after Gogebic Taconite filed data on its finances and insurance.

A similar permit was recently issued to a group interested in mining for gold near Wausau -- and they're the first such permits the DNR issued in a dozen years. Gogebic hopes to extract iron ore from its Ashland-and-Iron County site over a 35-year period. Wisconsin's last iron ore mine was the Cary site, which closed in 1965. The state's last open pit mine was a copper mine at Ladysmith, which closed in 1997.

But Katie Nikola of the group Clean Wisconsin says she's concerned how the project will affect the nearby Bad River watershed and groundwater in the surrounding area.

**Tags:** western wisconsin, news, wisconsin, business

Area between Mellen and Upton is in the Bad River Watershed, a Lake Superior tributary upstream of the Bad River Indian Reservation. Continental divide between Great Lakes and Mississippi River watersheds is approximately 20 miles south of the Mellen and Upton areas.

| Superfund/RCRA Cleanup Programs                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Vapor Intrusion Guidance;</b> OSWER/OSRTI; SAN 5247; RIN NA2050; Tier 3; OMB Significant</p> <p>OSWER will issue final guidance on vapor intrusion that will: address the recommendations of the EPA Office of Inspector General (2009); fulfill OSWER's public commitments (2010) to update significant portions of the 2002 draft vapor intrusion guidance; and address the public comments received in 2011. Among other things, the final guidance will include: updated toxicity values; recommendations to use multiple lines of evidence in evaluating and making decisions about risk from vapor intrusion; describe how risk from petroleum hydrocarbons should be addressed; describe how the guidance applies to Superfund Five-Year reviews; identify statutory support for preemptive mitigation; and address operations, maintenance, and termination of mitigation systems, and when institutional controls and deed restrictions are appropriate.</p> | <p>9-28-2011 (Completed) Option Selection (Final).<br/>7-19-2012 (Completed) FAR (Final).<br/>=&gt; 2-15-2013 OMB Review (Prog Office to OP) (Final).<br/>5-20-2013 AA Signature (Proj sig date) (Final).</p>                                                                                                                                                                                                                                                        |
| <p><b>CERCLA §108(b) - Hard Rock Mining;</b> OSWER/ORCR/PIID; SAN 5350.1; RIN 2050-AG61; Tier 1; OMB Significant</p> <p>CERCLA §108(b), establishes certain authorities concerning financial responsibility requirements. The Agency has identified classes of facilities within the hard rock mining industry as those for which financial responsibility requirements will be first developed. This action will establish requirements for financial responsibility, as well as notification and implementation.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <p>7-10-2009 (Completed) Administrator's Signature (Notice).<br/>4-20-2010 (Completed) Early Guidance (NPRM).<br/>7-22-2010 (Completed) Option Selection (NPRM).<br/>7-27-2011 (Completed) Follow-up Option Selection (NPRM).<br/>=&gt; 9-9-2013 FAR (Materials Distribution) (NPRM).<br/>10-21-2013 OMB Review (Prog Office to OP) (NPRM).<br/>3-12-2014 Administrator's Signature (Prog Office to OP) (NPRM).<br/>Long-term Administrator's Signature (Final).</p> |
| <p><b>CERCLA §108(b) - Additional Classes;</b> OSWER/ORCR/PIID; SAN 5350; RIN 2050-AG56; Tier 1; OMB Significant</p> <p>CERCLA §108(b), establishes certain authorities concerning financial responsibility requirements. Specifically, the statutory language requires that EPA publish a notice in the Federal Register that identifies classes of facilities that may ultimately be required to establish and maintain financial responsibility. The Agency has identified classes of facilities within the chemical manufacturing industry, the petroleum and coal manufacturing industry, which primarily includes petroleum refineries, and the electric power generation, transmission and distribution industry as those for which any necessary financial responsibility requirements will be developed. This action will establish requirements for financial responsibility, as well as notification and implementation.</p>                                     | <p>12-30-2009 (Completed) Administrator's Signature (ANPRM).<br/>1-29-2010 (Completed) OD Signature (ANPRM Extension).<br/>=&gt; Long-term Administrator's Signature (NPRM).</p>                                                                                                                                                                                                                                                                                     |



US Army Corps  
of Engineers  
St. Paul District

## NE Minnesota Mining Permit Application Evaluations

Section 404 of the Clean Water Act

### Regulatory Branch

**Location:** Mining activities in Minnesota are primarily located in what is referred to as the Arrowhead region of the state. The Arrowhead encompasses the Northeast Minnesota counties of Aitkin, Carlton, Cook, Itasca, Koochiching, Lake, and St. Louis.

**Description:** The St. Paul District (District) is involved in the review and evaluation of applications for ferrous (iron ore) and metallic mineral mining projects under Section 404 of the Clean Water Act. Iron ore mining includes such materials as high grade iron ores, magnetic taconites, non-magnetic taconites, iron ore tailings, and manganese-bearing iron ores found on the Mesabi Range. The metallic minerals category includes elements such as copper, nickel, platinum, palladium, gold, silver, cobalt, chromium, titanium, zinc, lead, bismuth, tin, tungsten, tantalum, niobium, or rare earth elements.

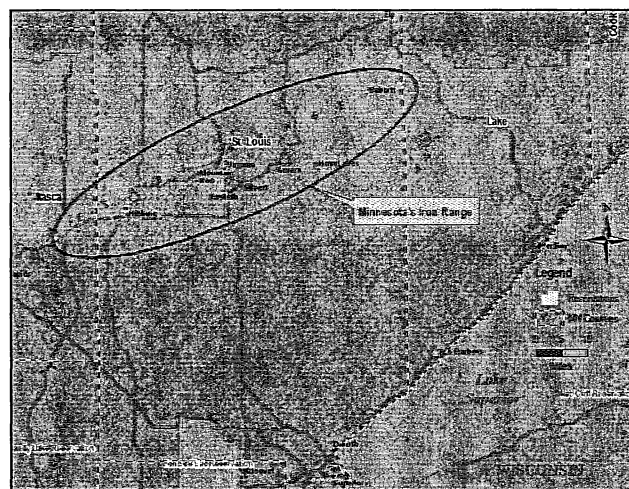
**Issues:** The review of permit applications for iron ore and metallic mineral mining projects is complex and labor intensive. Because of the size of these projects and the magnitude of the impacts to waters of the United States almost all applications for new mines, pit expansions and extensions, and construction or expansion of tailings basins requires a standard individual permit. Applications for new mines or other activities that have the potential to significantly impact the human environment require the preparation of an Environmental Impact Statement (EIS). In Northeastern Minnesota, several public interest factors are consistently at the forefront during the review of these applications. These public interest factors include: impacts to threatened and endangered species (Canada lynx), impacts to wetlands and compensatory mitigation for those impacts, impacts to water quality, impacts to cultural resources, and the cumulative effect of mining activities. Thorough analysis of these issues during the review process requires extensive coordination with other state and Federal agencies as well as with Native American tribes.

**Importance:** In 2009, the University of Minnesota Duluth Labovitz School of Business and Economics completed a report on the economic impact of iron ore and metallic mineral mining in Northeast Minnesota. Using 2007 as a baseline, the report concluded that iron ore and metallic mineral mining directly contributed over \$1 billion to the region's economy along with several thousand jobs. Iron ore mining activities also generate significant tax revenues and royalties for the State of Minnesota. The estimated 2012 tax and royalty revenue from iron ore mining is approximately \$170 million. The economic impact from

mining is expected to increase in the future as both mining sectors continue to pursue expansions or new opportunities. Currently, the District is reviewing five applications for the expansion or extension of existing iron ore mines and one application for a new metallic mineral mine. Pre-application meetings have also been held with a second company contemplating a metallic mineral mine in the region.

**Risk:** Reductions in staff or the ability of staff to complete necessary tasks could adversely affect the District's ability to efficiently review applications associated with mining activities.

**Consequence:** Uncertainty associated with the efficiency and timeliness of the District's review could disrupt scheduling and plan implementation for applicants.



**FY 13 Resource Commitments:** Currently, the District has approximately five full time employee (FTEs) equivalents engaged in the review of mining permits. This figure includes three Project Managers that work exclusively on mining application reviews and permit modifications. The remaining two FTEs represent the time that other staff is either reviewing mining applications in addition to other types of activities or provide technical or programmatic support as these needs arise. The District is also actively engaged in the preparation of one EIS associated with the one metallic mineral mine application under review.

**Congressional Interest:** Senate: Klobuchar (MN), Franken (MN); House: Nolan (MN-8).



US Army Corps  
of Engineers  
St. Paul District

# U.S. Army Corps of Engineers (Corps) Information Relating to Ferrous Mine Proposal Reviews

January 2013, Regulatory Branch

## General Timeline<sup>1</sup> for Environmental Review Requirements for Ferrous Mine Proposals

The environmental review and permit evaluation process for ferrous mine proposals generally takes from 2 to 4 years, or more, to complete. After an application is filed, development of an EIS includes seven steps:

1. Notice of Intent (NOI) to prepare an EIS & scoping for the EIS - approximately 2 months.
2. Obtaining a 3<sup>rd</sup>-party contractor to prepare the EIS (as guided by the Corps) takes approximately 3 months. The cost of preparing a 3<sup>rd</sup> party EIS varies, but it can exceed several million dollars, depending on the scope of the proposal and the range of potential environmental impacts.
3. Preparation of the draft EIS historically has taken 9 to 18 months. Project changes or the need for additional information can extend this time frame, as discussed further below.
4. Distribution of a draft EIS with a 45 day comment period - approximately 2 months.
5. Responding to comments and preparing a final EIS takes approximately 2 – 6 months (provided no new information needs to be collected). Comment responses that lead to additional analyses of environmental impacts can add significant additional time to the preparation of the final EIS.
6. Preparing a final EIS notice of availability with a 30 day comment period takes approximately 2 months.
7. Preparing a Record of Decision (Permit Decision) takes approximately 3 months.

Council on Environmental Quality and Corps regulations for completion of an EIS are located at 40 Code of Federal Regulations (CFR) Part 1500-1508, 33 CFR Part 230, and 33 CFR Part 325, Appendix B.

## Compensatory Mitigation Requirements (33 Code of Federal Regulations Part 332)

Compensatory mitigation (mitigation) is often required for unavoidable, minimized impacts to aquatic resources, including wetlands, rivers, and streams. It is not restricted to scenarios where aquatic resource loss is deemed significant, nor is it restricted to federally regulated waters.

1. The Corps prioritizes mitigation that follows a watershed approach.
2. Mitigation that is in-place, in-kind, and in-advance relative to the proposed loss is preferred.
3. Replacement ratios are often used as a surrogate for determining the amount of mitigation required; however, the primary goal of mitigation is replacement of lost aquatic resource functions.

## Analysis of Alternatives (40 Code of Federal Regulations Part 230 and 1502)

1. As part of the NEPA process, the Corps evaluates all reasonable and feasible alternatives, resulting in selection of an environmentally preferred alternative which best avoids or minimizes adverse effects to the quality of the human environment. This alternative is further evaluated for compliance with the 404(b)(1) guidelines and subject to a public interest review.
2. Any authorized impact must not have a practicable alternative with less adverse impact on the aquatic ecosystem, provided that there are not other significantly adverse environmental consequences.
3. In general, practicable alternatives to locate ferrous mining processing plants or other facilities are not restricted to locations at or immediately adjacent to the mine site.
4. Applicants would be required to provide a robust alternatives analysis for ancillary features of a mine site when those facilities impact wetlands.

**Corps Contact for Additional Information:** State Program Manager, Rebecca Graser, phone number (262) 717-9531, extension 3, or email [Rebecca.M.Graser@usace.army.mil](mailto:Rebecca.M.Graser@usace.army.mil).

<sup>1</sup> The timelines above are estimates based on EIS reviews completed in MN and should be considered minimum timeframes for each process for most ferrous mine proposals. The completion of individual studies, such as the development of groundwater models, water quality studies, or other project-specific studies undertaken to identify environmental impacts and assess effects can significantly lengthen EIS schedules.

# U.S. Army Corps of Engineers Informational meeting with GTAC

## Date/Time:

August 12, 2013, 11:30-1:30

## Location:

WDNR Wausau Service Center  
5301 Rib Mountain Drive  
Wausau, WI 54401

## Attendees:

Tim Meyers, GTAC  
Courtney Bot, Barr Engineering  
Lori Stengink, Barr Engineering  
Doug Bruner, USACE  
Bill Sande, USACE  
Rebecca Graser, USACE  
Ann Coakley, WDNR

Keith Patrick, WDNR  
Larry Lynch, WDNR  
Connie Antonuk, WDNR  
Melanie Haveman, EPA  
Michael Sedlacek, EPA  
Cyrus Hester, Bad River Band

## Agenda:

1. Project Overview – Tim (15 min)

2. USACE EIS Process (30 min)

- Background on Requirement – Rebecca
- How long it takes to complete an EIS – Rebecca
- When the EIS process is begun – Doug
- Third Party Contracting – Rebecca, Doug

3. Other Coordination Recommended in support of an EIS (40 min)

- EPA: NEPA, 404(q) for ARNI's, and downstream states water quality - Doug
- WDNR: 401 WQC, WEPA, and conceptual compensatory mitigation - Rebecca
- Tribes: Ceded territory, water quality – Doug *MDU w/ Band et al.*

4. Federal EIS baseline studies – Doug (20 min)

- Varies by location, proposal
- Examples from past experience
- Recommend vetting sampling and modeling with appropriate agencies in advance

5. Other (10 min) *Company can waive 60-day WEPA review window*

## Handouts:

Preapplication Recommendations for Mining Applicants, PowerPoint (USACE, Doug Bruner)  
Ferrous Mining Projects General Information, written testimony (USACE, Rebecca Graser)  
Regulatory Guidance Letter 05-08: EIS Third Party Contracting (USACE)  
404(q) Elevation (EPA, Melanie Haveman)  
Federal Wetland Regulation Information (EPA, Melanie Haveman)  
Baseline studies DRAFT packet (USACE, Doug Bruner)  
National Environmental Policy Act Information, PowerPoint (EPA, Michael Sedlacek)

COE meeting with GTAC  
WDNR Wausau Service Center, 11:30-1:30

August 12, 2013

Attendees:

Tim Meyers, GTAC  
GTAC Consultant  
Doug Bruner, USACE  
Bill Sande, USACE

Rebecca Graser, USACE  
Ann Coakley, WDNR  
Keith Patrick, WDNR  
Larry Lynch, WDNR

Agenda:

1. Advance Coordination (0.25 hr)
  - Continue coordination with USACE/WDNR
  - Encourage applicant pre-application meetings with EPA
  - Consider applicant tribal liaison
2. EIS Informational Needs (0.75 hr):
  - Baseline studies
  - Seek EPA participation
3. EIS Timing (0.5 hr):
  - When USACE begins the process
  - How long the process takes
4. EIS/Other (0.5 hr):
  - Tribal participation
  - EPA participation